

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

SHIH-YI LI,

Plaintiff,

v.

Case No: 6:19-cv-1249-GAP-EJK

ROGER HOLLER CHEVROLET CO.

Defendant.

ORDER

This matter is before the Court on Defendant's Supplemental Motion for Attorneys' Fees (Doc. 119). On referral, Magistrate Judge Embry J. Kidd issued a Report and Recommendation granting in part and denying in part Defendant's Motion (Doc. 121). Plaintiff filed an Objection to the Report (Doc. 122) and Defendant filed a response (Doc. 124). Upon de novo review of the above, the Report will be confirmed and adopted.

I. Background

Plaintiff Shih-Yi Li sued his former employer, Defendant Roger Holler Chevrolet Co., alleging violations of the Fair Labor Standards Act (FLSA), Florida's constitutional minimum wage protections, the Florida Whistleblower Act (FWA), and the Family Medical Leave Act (FMLA). On May 5, 2021, the Court

granted Defendant's motion for summary judgment and directed entry of judgment for Defendant on all counts. Doc. 101. On December 6, 2021, the Court granted Defendant's motion for attorneys' fees in part pursuant to the FLSA and FWA. In compliance with the Court's order, Defendant filed a supplemental motion supporting the reasonableness and amount of attorneys' fees. Judge Kidd issued a Report and Recommendation that recommends the Court grant in part and deny in part that motion. Li filed an objection to that Report.

II. Legal Standard

In resolving objections to the recommendation of a magistrate judge, the district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. Fed. R. Civ. P. 72(b)(3). De novo review requires independent consideration of factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ. of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990). After conducting a careful and complete review of the findings and recommendations, the district judge "may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3).

III. Analysis

Defendant's Motion seeks \$117,136.00 in fees incurred responding to Plaintiff's FLSA and FWA claims. The Report notes, and the Court agrees, that the

hourly rates and the time expended by Defendant's attorneys and legal staff are all reasonable, aside from a minute amount of time expended on a motion to compel arbitration that Defendant mistakenly included in its calculations. Finding the fees requested reasonable, the Report then analyzes the wealth disparity between the parties. Upon consideration of the disparity between Plaintiff and Defendant, the Report recommends a 75%, across the board reduction of the fee award.

While Plaintiff has filed an objection to the Report, he fails to point out any problem with analysis contained therein. Plaintiff does not contend that the fees are unreasonable or point to any evidence that the Report fails to take into account. Instead, he simply repeats his argument that he is judgment proof and that the Court should deny all fees based on the wealth disparity between the parties. As the Report correctly points out, however, to eliminate fees completely in this case would not serve policy goals underlying the awarding of fees in these types of cases. Upon de novo review, the Court finds no error with the analysis of the Report, or the conclusion reached.

IV. Conclusion


Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendation (Doc. 121) is **ADOPTED** and **CONFIRMED** as set forth above.

2. Plaintiff's Objection to the Report and Recommendation (Doc. 122) is
OVERRULED.
3. Defendant's Supplemental Motion for Attorneys' Fees (Doc. 119) is
GRANTED in part and **DENIED** in part.
4. The Clerk is directed to enter judgment for Defendant in the amount of
\$29,217.25 and close the case.

DONE and **ORDERED** in Chambers, Orlando, Florida on March 29, 2022.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party